TL 1506-15

RIGHT OF REPLY
BY THE INDONESIAN OBSERVER DELEGATION
UNDER ITEM 12
GENEVA, 6 MARCH 1989

Thank you, Sir.

Mr. Chairman,

It is with considerable hesitancy that my delegation has asked for the floor this time to respond to references on East Timor because much of the allegations is again of the same nature.

Let me just restate :

First, by abandoning East Timor on 26 August 1975 at the height of the civil war instigated by it, Portugal has forfeited any historical, moral or legal right to be still considered as the administering power of East Timor.

Second, the people of East Timor have exercised their legitimate right to self-determination by deciding to be independent through integration with Indonesia.

Third, the decision of the East Timorese to integrate with the Republic of Indonesia has been recognized by the overwhelming majority of countries in the region. In this regard, let me quote the unambiguous statement of the Chief Minster of the Northern Territories of Australia, who after his recent visit to East Timor stated, and I quote :

"The sovereignty of Indonesia in East Timor is solid and FRETILIN claims are unrealistic. There are more FRETILIN problems in Darwin

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than in East Timor."

In short, my delegation stands by the explanations it has given on previous occasions.

On the allegation of the violation of human rights, the Chief Minister found it also very difficult to discover the repression, the starvation, the restrictions on freedom of speech and religion that they had heard so much about. On the contrary, they witnessed no signs of oppression and noted that a traveller would see more offensive weaponry at any international airport in Europe and Asia today than he would on the streets of Dili. Let me add that the Chief Minister was accompanied by 12 citizens of Darwin who are of East Timorese origin, and 12 Australian journalists representing "The Australian", ABC Radio TV, AAP, the "Northern Territory News" and TD 8 Radio.

He also found it difficult to take seriously suggestions of recent atrocities in East Timor. Thousands of people, including diplomats and businessmen fly to and from Dili every year on the regular daily air service from Kupang and the Hon. Perron's delegation saw these passengers' names and addresses in the visitors book. In his opinion therefore, it was difficult to believe that any major outrage could occur without it becoming common knowledge fairly quickly through the simple expedient of a telephone call, a telegram or a letter. The journalists accompanying the Chief Minister toured the province without any restriction placed on them and they had full freedom to carry out their responsibility of providing press coverage.

And that was the situation before 1989. I may add that the prevailing situation as of 1 January 1989 is even better, since the status of the province of East Timor has been made equal with Indonesia's other provinces by the Presidential Decree No 62/1988. This also means that travel to and from the province of East Timor can be done under the same conditions as in any of Indonesia's other provinces. This measure also facilitates the travel of foreigners to

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East Timor and other Indonesian provinces providing they comply with the immigration regulations.

Mr. Chairman,

Another issue was raised by certain NGOs which referred to the pastoral note of Monsignor Belo of 5 December 1988. They misused and quoted the pastoral note out of context. It is true that during the months of October and November 1988, a number of arrests were made in Dili, Baucau, Los Palos and Viqueque. A conspiracy to entice security disturbances during the President's visit to the province from 1-2 November 1988 was uncovered on 23 October 1988. It was discovered that all of these acts were to be carried out by members of this so-called St. Anthony Foundation which was banned by the Roman Catholic Church soon after its inception in 1963 because its beliefs stood in direct contradiction to those taught and adhered to by the Church. Naturally, our security apparatus took precautionary measures. Contrary to the allegations that 2,000 or even 3,000 persons were detained, in fact less than 200 were questioned. Of that number only 8 were detained for further investigation and only 2 persons with substantial evidence against them have been brought to trial. A list of 8 names of those involved is available and my delegation will be pleased to provide this list to those seeking further information. Their trial took place on 15-18 February 1989 in Dili. One defendant was sentenced to 7 months and the other to 6 months. These sentences include the time already spent in detention prior to being brought to trial. During their trial it was proved that they had violated Article 169 of the Indonesian Penal Code which I quote :

(1) Involvement in movements which have for objective, the intention of committing criminal acts or involvement in other movements banned by legislation, is punishable by a prison sentence of a maximum of 6 years.

(2) Involvement in movements which have for objective, the

intention of committing an offence, is punishable by a prison sentence of a maximum of 9 months.

(3) For the founders or the organisers of these movements, the sentences can be increased by one third. - unquote.

In addition it is important to note that the ICRC, the Red Cross, was given the opportunity to visit these detainees on 27 January 1989.

With that explanation it is clear that due process of law has taken place.

Thank you, Mr. Chairman.